

**Translation**

**PATENT COOPERATION TREATY**

**PCT**

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>2271/79 WO</b>	<b>FOR FURTHER ACTION</b> See Form PCT/IPEA/416	
International application No. <b>PCT/EP2004/001251</b>	International filing date (day/month/year) <b>11.02.2004</b>	Priority date (day/month/year) <b>18.03.2003</b>
International Patent Classification (IPC) or national classification and IPC		
Applicant <b>METEOR GUMMIWERKE K.H. BÄDJE GmbH &amp; CO. KG</b>		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>8</u> sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/001251

Box No. I

Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 6-10 \_\_\_\_\_ as originally filed/furnished
- pages\* 1-5, 5a \_\_\_\_\_ received by this Authority on /filed with the demand
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the claims:
- nos. \_\_\_\_\_ as originally filed/furnished
- nos.\* \_\_\_\_\_ as amended (together with any statement) under Article 19
- nos.\* 1-8 \_\_\_\_\_ received by this Authority on /filed with the demand
- nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the drawings:
- sheets 1/4-4/4 \_\_\_\_\_ as originally filed/furnished
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/001251

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
/	Novelty (N)	Claims 1-8	YES
		Claims	NO
	Inventive step (IS)	Claims 1-8	YES
		Claims	NO
	Industrial applicability (IA)	Claims 1-8	YES
		Claims	NO
2.	Citations and explanations (Rule 70.7)		
	Reference is made to the following documents:		
	D1: EP-A-0 628 439 (GENCORP INC) 14 December 1994 (1994-12-14)		
	D2: US-A-5 461 830 (DUPUY RONALD E) 31 October 1995 (1995-10-31)		
	D3: EP-A-0 642 943 (SCHLEGEL CORP) 15 March 1995 (1995-03-15)		
	D4: DE 12 15 009 B (HAPPICH GMBH GEBR) 21 April 1966 (1966-04-21)		
	D5: EP-A-0 258 599 (AGES SPA) 9 March 1988 (1988-03-09)		
	D6: US-A-4 119 325 (OAKLEY JOHN ET AL) 10 October 1978 (1978-10-10)		
	D7: WO 98/21061 A (FAIRBURN; FOY; NAVI) 22 May 1998 (1998-05-22)		
	D8: DE 100 61 817 A (OVERHEAD DOOR CORP) 26 July 2001 (2001-07-26)		

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<u>1.</u>	<u>Independent claim 1</u>
<u>1.1</u>	<u>Novelty</u>  Document D1, which is regarded as the closest prior art, discloses:  <ul style="list-style-type: none"><li>- a sealing strip for attaching to a vehicle frame structure, said strip being designed to interact with a window pane that can be pivoted between an open and a closed position, comprising a base body that consists of a elongate structure that has a U-shaped cross-section and substantially encloses a hollow space, a sealing lip being disposed on the free ends of said structure with the proviso that the edges of the pane, which is introduced into the hollow space when the pane is pivoted, are contacted on both sides by a sealing lip, with two separately produced moulded parts that can be connected to one another and which when connected form the base body of the sealing strip, the two moulded parts being made of plastics, having a substantially L-shaped form and consisting of a mounting section and a side section that extends preferably perpendicular to the mounting section, the moulded parts, when mounted, overlapping in the region of the mounting sections.</li></ul> The subject matter of the present claim 1 differs

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
-----------	---

therefrom in that:

- the base body has either a two-dimensional or a three-dimensional curve, depending on the vehicle frame structure, in that the depth of the hollow space changes, in particular decreases, from one end to the other according to width, in that profiled elements are formed on the mounting section, which can be brought into engagement with recesses in the mounting section in order to interlock the moulded parts, and in that an elastomeric sealing element which bears a sealing lip is attached to each free end of the side sections of the moulded parts.

The subject matter of the present claim 1 thus appears to satisfy the criterion stipulated in PCT Article 33(2), since the subject matter of the only independent claim, claim 1, is novel over the prior art as defined in the Regulations (PCT Rule 64.1 to 64.3).

#### 1.2. Inventive step

Proceeding from the stated prior art, the present invention can be considered to address the problem of developing a sealing strip according to the preamble of independent claim 1 so as to improve the sliding properties of the sealing lips and reduce frictional forces in relation to the pane.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/001251

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
-----------	---

The solution as per claim 1 does not appear to be disclosed by any of the searched documents taken individually or to be suggested by the prior art as a whole.

The present application therefore appears to satisfy the criterion stipulated in PCT Article 33(3), since the subject matter of claim 1 appears to involve an inventive step (PCT Rule 65.1, 65.2).

2.      Dependent claims 2-8

Dependent claims 2-8, which concern further embodiments of the invention according to claim 1, also appear to meet the requirements of PCT Article 33(2) to (4).